

ENTERED

October 24, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,

VS.

JOSE ZEPEDA-GUTIERREZ and
WILLIAM OREGO-OREGO

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§

CRIMINAL ACTION NO. 2:17-CR-568

Defendants.

OPINION AND ORDER GRANTING MOTIONS FOR CONTINUANCE

On October 24, 2017, Defendants Zepeda-Gutierrez and Orego-Orego each moved for a continuance of their final pretrial conference and jury selection and trial because the Defendants and their counsel had not yet had adequate time to review the discovery and prepare for trial and/or a guilty plea (D.E. 24, 25).¹ The United States was unopposed to the motion.

Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7).

Having considered the Defendants' motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the Defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

¹ Defendant Orego filed his motion under seal (D.E. 24). No reason was given for the sealed filing. No sensitive information was disclosed in the motion, and the court knows of no reason for the sealed filing. Accordingly, the Clerk shall unseal the motion (D.E. 24), and this order granting the continuance shall be docketed in the unsealed form as to both Defendants.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial, and the period of the continuance is excluded from speedy trial computation.

The Court **GRANTS** the Defendants' motions (D.E. 24, 25) and **CONTINUES** the final pretrial conference until November 29, 2017, at 10:00 a.m. before undersigned and schedules the jury selection and trial for December 11, 2017, at 9:00 a.m. before Hon. Nelva Gonzales Ramos.

ORDERED this 24th day of October, 2017.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE